

AMENDED IN ASSEMBLY APRIL 8, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1933**

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**Introduced by Assembly Member Nava**

February 12, 2008

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An act to amend Section ~~24011~~ of the Government Code, 76104.1 of the Government Code, and to amend Section 42007.5 of the Vehicle Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1933, as amended, Nava. Local government: consolidation of offices. Santa Barbara County Level II Trauma Center.

*Existing law generally provides, for purposes of supporting emergency medical services in Santa Barbara County, that a specified penalty shall be imposed on every fine, penalty, or forfeiture collected for all criminal offenses, including, except as specified, all offenses involving a violation of the Vehicle Code, and shall be specially distributed, as specified. These provisions are scheduled to be repealed on January 1, 2009.*

*This bill would delete the repeal dates of the above provisions thereby extending those provisions indefinitely. The bill would provide that the above penalty assessment shall not be applicable to offenses involving a violation of the Vehicle Code, except for those offenses by persons under 21 years of age involving alcohol or drugs, and would delete the above distribution procedure. The bill would make conforming changes to a related provision. The bill would make specified findings and declarations, including that, for specified reasons, the special legislation contained in the act is necessarily applicable only to Santa Barbara County. By extending the above penalty assessment provisions indefinitely, and by revising the offenses subject to the penalty*

*assessment and the current penalty assessment distribution procedure, this bill would impose new duties on local officials relating to the imposition of penalty assessments, thereby imposing a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

~~Existing law authorizes the boards of supervisors of specified counties to provide, by ordinance, that the public administrator be appointed by the board. Existing law also authorizes the boards of supervisors of specified counties, by ordinance, to appoint the same person to the offices of public administrator and public guardian.~~

~~Existing law authorizes the board of supervisors, by ordinance, to consolidate the duties of certain county offices, including the treasurer and public administrator.~~

~~This bill would authorize the Board of Supervisors of Ventura County to provide, by ordinance, that the public administrator be appointed by the board, and to authorize the board to appoint the same person to the offices of public administrator and public guardian. The bill would also authorize the Board of Supervisors of Ventura County to separate the consolidated offices of public administrator and treasurer in order to consolidate the offices of public administrator and public guardian, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. *The Legislature finds and declares the following:*
- 2     (a) *The County of Santa Barbara requires additional time to*
- 3     *develop an appropriate local funding measure to fund the Level*
- 4     *II Trauma Center in the County of Santa Barbara.*
- 5     (b) *The Legislature, in enacting this measure to delete the repeal*
- 6     *dates of Section 76104.1 of the Government Code and Section*
- 7     *42007.5 of the Vehicle Code, expects that the County of Santa*
- 8     *Barbara shall place an appropriate proposed tax ordinance as a*
- 9     *county measure on the ballot for the November 2008 general*

1 *election that will ensure the collection of sufficient funds to fully*  
2 *support the trauma center.*

3 *SEC. 2. Section 76104.1 of the Government Code is amended*  
4 *to read:*

5 76104.1. (a) (1) Except as otherwise provided in this section,  
6 and notwithstanding any other provision of law, for purposes of  
7 supporting emergency medical services pursuant to Chapter 2.5  
8 (commencing with Section 1797.98a) of Division 2.5 of the Health  
9 and Safety Code, in Santa Barbara County, a penalty in the amount  
10 of five dollars (\$5.00) for every ten dollars (\$10.00), or part of ten  
11 dollars (\$10), shall be imposed on every fine, penalty, or forfeiture  
12 collected for all criminal offenses, ~~including all offenses involving~~  
13 ~~a violation of the Vehicle Code or any local ordinance adopted~~  
14 ~~pursuant to the Vehicle Code. This penalty assessment shall not~~  
15 ~~apply to offenses involving a violation of the Vehicle Code, except~~  
16 ~~for violations of Sections 23136, 23140, and Article 2 (commencing~~  
17 ~~with Section 23152) of Chapter 12 of Division 11. This penalty~~  
18 ~~assessment shall be collected together with and in the same manner~~  
19 ~~as the amount established by Section 1464 of the Penal Code.~~

20 (2) The penalty imposed by this section does not apply to the  
21 following:

22 (A) Any restitution fine.

23 (B) Any penalty authorized by Section 1464 of the Penal Code  
24 or this chapter.

25 (C) Any parking offense subject to Article 3 (commencing with  
26 Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.

27 (D) The state surcharge authorized by Section 1465.7 of the  
28 Penal Code.

29 ~~(b) Notwithstanding any other provision of law, for the purposes~~  
30 ~~of supporting emergency medical services pursuant to Chapter 2.5~~  
31 ~~(commencing with Section 1797.98a) of Division 2.5 of the Health~~  
32 ~~and Safety Code, in Santa Barbara County, for every parking~~  
33 ~~offense, as defined in subdivision (i) of Section 1463 of the Penal~~  
34 ~~Code, where a parking penalty, fine, or forfeiture is imposed, an~~  
35 ~~added penalty of two dollars and fifty cents (\$2.50) shall be~~  
36 ~~included in the total penalty, fine, or forfeiture, together with and~~  
37 ~~in the same manner as the amount established pursuant to~~  
38 ~~subdivision (b) of Section 76000.~~

39 (e)

(b) The moneys collected pursuant to this section shall be held by the county treasurer in the same manner, and shall be payable for the same purposes, described in subdivision (e) of Section 76104.

~~(d) (1) Notwithstanding any provision of law to the contrary, in the County of Santa Barbara, the distribution set forth in subparagraph (B) of paragraph (5) of subdivision (b) of Section 1797.98a shall, instead, be 42 percent of the fund to hospitals providing disproportionate trauma and emergency medical services to uninsured patients who do not make any payment for services.~~

~~(2) Notwithstanding any provision of law to the contrary, in the County of Santa Barbara, the 17 percent distribution set forth in subparagraph (C) of paragraph (5) of subdivision (b) of Section 1797.98a shall not apply.~~

~~(e)~~

(c) This section shall be implemented only if the Santa Barbara County Board of Supervisors adopts a resolution stating that implementation of this section is necessary to the county for purposes of providing payment for emergency medical services.

~~(f) This section shall remain in effect only until January 1, 2009, and as of that date is repealed.~~

*SEC. 3. Section 42007.5 of the Vehicle Code is amended to read:*

42007.5. (a) Notwithstanding paragraph (2) of subdivision (b) of Section 42007, in Santa Barbara County, upon the establishment of a Maddy Emergency Medical Services Fund pursuant to Section 1797.98a of the Health and Safety Code, the amount that would have been collected pursuant to Section 76104.1 of the Government Code shall be deposited in the Maddy Emergency Medical Services Fund established by the county pursuant to Section 1797.98a of the Health and Safety Code.

(b) The Board of Supervisors of the County of Santa Barbara shall report to the Legislature whether, and to the extent that, any actions are taken by the County of Santa Barbara to implement alternative local sources of funding.

~~(e) This section shall remain in effect only until January 1, 2009, and as of that date is repealed.~~

*SEC. 4. The Legislature finds and declares that due to unique circumstances regarding emergency medical services in the County of Santa Barbara, a general statute cannot be made applicable*

1 *within the meaning of Section 16 of Article IV of the California*  
2 *Constitution. Therefore, the special legislation contained in Section*  
3 *2 of this act is necessarily applicable only to the County of Santa*  
4 *Barbara.*

5 *SEC. 5. No reimbursement is required by this act pursuant to*  
6 *Section 6 of Article XIII B of the California Constitution because*  
7 *the only costs that may be incurred by a local agency or school*  
8 *district are the result of a program for which legislative authority*  
9 *was requested by that local agency or school district, within the*  
10 *meaning of Section 17556 of the Government Code and Section 6*  
11 *of Article XIII B of the California Constitution.*

12 ~~SECTION 1. Section 24011 of the Government Code is~~  
13 ~~amended to read:~~

14 ~~24011. Notwithstanding the provisions of Section 24009:~~

15 ~~(a) The Boards of Supervisors of Glenn County, Lake County,~~  
16 ~~Lassen County, Madera County, Mendocino County, Monterey~~  
17 ~~County, Napa County, Solano County, Sonoma County, Trinity~~  
18 ~~County, Tuolumne County, and Ventura County may, by ordinance,~~  
19 ~~provide that the public administrator shall be appointed by the~~  
20 ~~board.~~

21 ~~(b) The Boards of Supervisors of Lake County, Madera County,~~  
22 ~~Mendocino County, Napa County, Trinity County, and Tuolumne~~  
23 ~~County may appoint the same person to the offices of public~~  
24 ~~administrator, veteran service officer, and public guardian. The~~  
25 ~~Boards of Supervisors of Glenn County, Lassen County, Monterey~~  
26 ~~County, Solano County, Sonoma County, and Ventura County,~~  
27 ~~may, by ordinance, appoint the same person to the offices of public~~  
28 ~~administrator and public guardian.~~

29 ~~(c) The Boards of Supervisors of Glenn County, Lake County,~~  
30 ~~Lassen County, Madera County, Mendocino County, Napa County,~~  
31 ~~Trinity County, and Tuolumne County may separate the~~  
32 ~~consolidated offices of district attorney and public administrator~~  
33 ~~at any time in order to make the appointments permitted by this~~  
34 ~~section. Upon approval by the board of supervisors, the officer~~  
35 ~~elected to these offices at any time may resign, or decline to qualify~~  
36 ~~for, the office of public administrator without resigning from, or~~  
37 ~~declining to qualify for, the office of district attorney.~~

38 ~~(d) The Board of Supervisors of Ventura County may separate~~  
39 ~~the consolidated office of public administrator from the office of~~  
40 ~~treasurer, in order to make the appointment authorized by this~~

1 section. Upon approval by the board of supervisors, the officer  
2 elected to these offices at any time may resign, or decline to qualify  
3 for, the office of public administrator without resigning from, or  
4 declining to qualify for, the office of treasurer.

5 SEC. 2. Due to the unique circumstances of Ventura County,  
6 with respect to the reorganization of their county offices, the  
7 Legislature hereby finds and declares that a general statute cannot  
8 be made applicable within the meaning of Section 16 of Article  
9 IV of the California Constitution. Therefore, the special legislation  
10 contained in Section 1 of this act is necessarily applicable only to  
11 Ventura County.